



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,695	02/13/2002	Mark H. Zellers	2497P	1453
7590		01/18/2006		
Sawyer Law Group LLP P. O. Box 51418 Palo Alto, CA 94303			EXAMINER BURGESS, BARBARA N	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/077,695

Applicant(s)

ZELLERS ET AL.

Examiner

Barbara N. Burgess

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Office Action is in response to Election/Restriction requirement filed October 24, 2005. Applicants have elected Group I, consisting of claims 1-8, 10, 30, for examination. These claims are presented for initial examination.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vellanki et al. (hereinafter "Vellan", US Patent 5,999,979) in view of Yang et al. (hereinafter "Yang", US Patent Publication 2002/0105924 A1).

As per claim 1, Vellan discloses a method of maintaining a conversation between a server and a client using either a bi-directional or a non bi-directional communication protocol, the method comprising:

- Creating a client software object at the client to initiate a connection with the server and to manage a conversation between the server and the client from the perspective of the client (column 6, lines 1-10, 62-65);
- Selecting a selected communication protocol from a set of available communication protocols that are supported by the client, the server, and any intermediary servers

Art Unit: 2157

between the client and the server (column 3, lines 65-67, column 4, lines 10-15, 33-38);

If the selected communication protocol is a bi-directional communication protocol, then:

- Exchanging bi-directional communication protocol messages between the server and the client (column 6, lines 14-20, 65-67, column 7, lines 1-3);
- Transferring control over the conversation to the bi-directional communication protocol (column 7, lines 6-20, column 9, lines 12-20).

Vellan does not explicitly disclose:

If the selected communication protocol is a non-bi-directional communication protocol, then:

- Exchanging regular non-bi-directional communication protocol messages between the server and the client;
- Inserting additional non-bi-directional communication protocol messages as needed to maintain the conversation;
- Connecting a plurality of the regular and additional non-bi-directional communication protocol messages as the conversation to emulate bi-directional communication between the client and the server;
- Layering client application programming over the client software object and the conversation so that the conversation appears fully bi-directional to the client application programming.

Art Unit: 2157

However, Yang discloses the server receiving requests from a user to download data. Logic code is further used for sending dummy requests to the destination (paragraphs [0006, 00090, 0018]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Yank's non bi-directional communication through the use of protocol messages to maintain conversation in Vellan's method in order to extend connection duration with the destination.

As per 2, Vellan discloses the method according to claim 1, further comprising: determining the set of available communication protocols at the client (column 6, lines 1-13).

As per claim 3, Vellan discloses the method according to claim 2, wherein the act of selecting gives preference to bi-directional communication protocols of the set of available communication protocols (column 6, lines 24-30, 39-45).

As per claim 4, Vellan discloses the method according to claim 3, further comprising: initiating a connection to the server using the selected communication protocol (column 6, lines 62-67).

As per claim 5, Vellan discloses the method according to claim 4, further comprising: sending an initial request to the server over the connection (column 6, lines 62-67).

As per claim 6, Vellan discloses the method according to claim 5, further comprising:  
receiving the connection at the server (column 7, lines 1-10);  
detecting the selected communication protocol at the server (column 9, lines 25-40);  
dispatching the initial request at the server (column 9, lines 35-40).

As per claim 7, Vellan discloses the method according to claim 6, further comprising:  
creating a server software object at the server responsively to the initial request to  
manage a remainder of the conversation between the server and the client from the  
perspective of the server (column 11, lines 3-25).

As per claim 8, Vellan discloses the method according to claim 7, further comprising:  
layering server application programming over the server software object and the  
conversation so that the conversation appears fully bi-directional to the server  
application programming (column 5, lines 56-67).

As per claim 10, Vellan discloses a method of maintaining a conversation between a  
server and a client using as a communication protocol either a bi-directional  
communication protocol or a non bi-directional communication protocol, depending on  
whether a need exists to communicate via at least one intermediary server that does not  
support the bi-directional communication protocol, the method comprising:

- Creating a server software object at the server to process protocol messages and to manage a conversation between the server and the client from the perspective of the server (column 6, lines 1-10, 62-65);

If there is no intermediary server present between the server and the client that does not support the bi-directional communication protocol, then:

- Exchanging bi-directional communication protocol messages between the server and the client (column 6, lines 14-20, 65-67, column 7, lines 1-3);
- Transferring control over the conversation to the bi-directional communication protocol (column 7, lines 6-20, column 9, lines 12-20).

Vellan does not explicitly disclose:

If at least one intermediary server is present between the server and the client that does not support the bi-directional communication protocol, then:

- Exchanging regular non-bi-directional communication protocol messages between the server and the client (column 6, lines 14-20, 65-67, column 7, lines 1-3);
- Inserting additional non-bi-directional communication protocol messages as needed to maintain the conversation;
- Connecting a plurality of the regular and additional non-bi-directional communication protocol messages as the conversation to emulate bi-directional communication between the client and the server;
- Layering application programming over the server software object and the conversation so that the conversation appears fully bi-directional to the application programming.

However, Yang discloses the server receiving requests from a user to download data. Logic code is further used for sending dummy requests to the destination (paragraphs [0006, 00090, 0018]).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to incorporate or implement Yank's non bi-directional communication through the use of protocol messages to maintain conversation in Vellan's method in order to extend connection duration with the destination.

As per claim 30, Vellan discloses a client to initiate a connection to, to communicate with, and to send a request to a server in a communications network, the client selecting which protocol of at least two communication protocols to use to communicate with the server based on a destination address, the client comprising:

a software object to flexibly manage a conversation between the server and the client according to one protocol of the at least two communication protocols if the client uses an intermediary server that is compatible with a non-bi-directional communication protocol to send the request to the server and according to an other protocol of the at least two communication protocols if an intermediary server is not used to send the request, wherein the client creates the software object upon initiating the connection to the server, and wherein if the client used the intermediary server to send the request to the server, the client receives a circuit identifier in a response from the server and the client includes the circuit identifier in subsequent requests that the client sends to the server, the circuit identifier being used by the server to identify and route requests from



the client, and wherein the client inserts additional requests in communication with the server to maintain the conversation if the client is managing the conversation according to the one protocol (column 5, lines 56-67, column 6, lines 1-40).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,208,952 B1

US Patent 6,263,363 B1

US Patent Publication 2005/0193123 A9

US Patent Publication 2002/0147737 A1

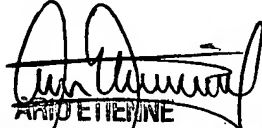
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N. Burgess whose telephone number is (571) 272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Barbara N Burgess  
Examiner  
Art Unit 2157

January 7, 2006

  
ART DETIENNE  
SUPERVISORY PATENT EXAMINER  
REV 02/01/05 2100